

111TH CONGRESS
1ST SESSION

S. 564

To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2009

Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CARDIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wartime Treatment
5 Study Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) During World War II, the United States
2 Government deemed as “enemy aliens” more than
3 600,000 Italian-born and 300,000 German-born
4 United States resident aliens and their families, re-
5 quiring them to carry Certificates of Identification
6 and limiting their travel and personal property
7 rights. At that time, these groups were the two larg-
8 est foreign-born groups in the United States.

9 (2) During World War II, the United States
10 Government arrested, interned, or otherwise de-
11 tained thousands of European Americans, some re-
12 maining in custody for years after cessation of
13 World War II hostilities, and repatriated, exchanged,
14 or deported European Americans, including Amer-
15 ican-born children, to European Axis nations, many
16 to be exchanged for Americans held in those nations.

17 (3) Pursuant to a policy coordinated by the
18 United States with Latin American nations, thou-
19 sands of European Latin Americans, including Ger-
20 man and Austrian Jews, were arrested, relocated to
21 the United States, and interned. Many were later re-
22 patriated or deported to European Axis nations dur-
23 ing World War II and exchanged for Americans and
24 Latin Americans held in those nations.

1 (4) Millions of European Americans served in
2 the Armed Forces and thousands sacrificed their
3 lives in defense of the United States.

4 (5) The wartime policies of the United States
5 Government were devastating to the German Amer-
6 ican and Italian American communities, individuals,
7 and their families. The detrimental effects are still
8 being experienced.

9 (6) Prior to and during World War II, the
10 United States restricted the entry of Jewish refugees
11 who were fleeing persecution or genocide and sought
12 safety in the United States. During the 1930s and
13 1940s, the quota system, immigration regulations,
14 visa requirements, and the time required to process
15 visa applications affected the number of Jewish refu-
16 gees, particularly those from Germany and Austria,
17 who could gain admittance to the United States.

18 (7) The United States Government should con-
19 duct an independent review to fully assess and ac-
20 knowledge these actions. Congress has previously re-
21 viewed the United States Government's wartime
22 treatment of Japanese Americans through the Com-
23 mission on Wartime Relocation and Internment of
24 Civilians. An independent review of the treatment of
25 German Americans and Italian Americans and of

1 Jewish refugees fleeing persecution and genocide has
2 not yet been undertaken.

3 (8) Time is of the essence for the establishment
4 of commissions, because of the increasing danger of
5 destruction and loss of relevant documents, the ad-
6 vanced age of potential witnesses and, most impor-
7 tantly, the advanced age of those affected by the
8 United States Government's policies. Many who suf-
9 fered have already passed away and will never know
10 of this effort.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) DURING WORLD WAR II.—The term “during
14 World War II” refers to the period between Sep-
15 tember 1, 1939, through December 31, 1948.

16 (2) EUROPEAN AMERICANS.—

17 (A) IN GENERAL.—The term “European
18 Americans” refers to United States citizens and
19 resident aliens of European ancestry, including
20 Italian Americans, German Americans, Hun-
21 garian Americans, Romanian Americans, and
22 Bulgarian Americans.

23 (B) GERMAN AMERICANS.—The term
24 “German Americans” refers to United States
25 citizens and resident aliens of German ancestry.

1 (C) ITALIAN AMERICANS.—The term
 2 “Italian Americans” refers to United States
 3 citizens and resident aliens of Italian ancestry.

4 (3) EUROPEAN LATIN AMERICANS.—The term
 5 “European Latin Americans” refers to persons of
 6 European ancestry, including German or Italian an-
 7 cestry, residing in a Latin American nation during
 8 World War II.

9 (4) LATIN AMERICAN NATION.—The term
 10 “Latin American nation” refers to any nation in
 11 Central America, South America, or the Caribbean.

12 **TITLE I—COMMISSION ON WAR-**
 13 **TIME TREATMENT OF EURO-**
 14 **PEAN AMERICANS**

15 **SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME**
 16 **TREATMENT OF EUROPEAN AMERICANS.**

17 (a) IN GENERAL.—There is established the Commis-
 18 sion on Wartime Treatment of European Americans (re-
 19 ferred to in this title as the “European American Commis-
 20 sion”).

21 (b) MEMBERSHIP.—The European American Com-
 22 mission shall be composed of 7 members, who shall be ap-
 23 pointed not later than 90 days after the date of enactment
 24 of this Act as follows:

1 (1) Three members shall be appointed by the
2 President.

3 (2) Two members shall be appointed by the
4 Speaker of the House of Representatives, in con-
5 sultation with the minority leader.

6 (3) Two members shall be appointed by the ma-
7 jority leader of the Senate, in consultation with the
8 minority leader.

9 (c) TERMS.—The term of office for members shall be
10 for the life of the European American Commission. A va-
11 cancy in the European American Commission shall not af-
12 fect its powers, and shall be filled in the same manner
13 in which the original appointment was made.

14 (d) REPRESENTATION.—The European American
15 Commission shall include 2 members representing the in-
16 terests of Italian Americans and two members rep-
17 resenting the interests of German Americans.

18 (e) MEETINGS.—The President shall call the first
19 meeting of the European American Commission not later
20 than 120 days after the date of enactment of this Act.

21 (f) QUORUM.—Four members of the European Amer-
22 ican Commission shall constitute a quorum, but a lesser
23 number may hold hearings.

24 (g) CHAIRMAN.—The European American Commis-
25 sion shall elect a Chairman and Vice Chairman from

1 among its members. The term of office of each shall be
 2 for the life of the European American Commission.

3 (h) COMPENSATION.—

4 (1) IN GENERAL.—Members of the European
 5 American Commission shall serve without pay.

6 (2) REIMBURSEMENT OF EXPENSES.—All mem-
 7 bers of the European American Commission shall be
 8 reimbursed for reasonable travel and subsistence,
 9 and other reasonable and necessary expenses in-
 10 curred by them in the performance of their duties.

11 **SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMIS-**
 12 **SION.**

13 (a) IN GENERAL.—It shall be the duty of the Euro-
 14 pean American Commission to review the United States
 15 Government's wartime treatment of European Americans
 16 and European Latin Americans as provided in subsection
 17 (b).

18 (b) SCOPE OF REVIEW.—The European American
 19 Commission's review shall include the following:

20 (1) A comprehensive review of the facts and cir-
 21 cumstances surrounding United States Government
 22 action during World War II with respect to Euro-
 23 pean Americans and European Latin Americans
 24 pursuant to United States laws and directives, in-
 25 cluding the Alien Enemies Acts (50 U.S.C. 21 et

1 seq.), Presidential Proclamations 2526, 2527, 2655,
2 2662, and 2685, Executive Orders 9066 and 9095,
3 and any directive of the United States Government
4 pursuant to these and other pertinent laws, procla-
5 mations, or executive orders, including registration
6 requirements, travel and property restrictions, estab-
7 lishment of restricted areas, raids, arrests, intern-
8 ment, exclusion, policies relating to the families and
9 property that excludées and internees were forced to
10 abandon, internee employment by American compa-
11 nies (including a list of such companies and the
12 terms and type of employment), exchange, repatri-
13 ation, and deportation, and the immediate and long-
14 term effect of such actions, particularly internment,
15 on the lives of those affected. This review shall also
16 include a list of—

17 (A) all temporary detention and long-term
18 internment facilities in the United States and
19 Latin American nations that were used to de-
20 tain or intern European Americans and Euro-
21 pean Latin Americans during World War II (in
22 this paragraph referred to as “World War II
23 detention facilities”);

24 (B) the names of European Americans and
25 European Latin Americans who died while in

1 World War II detention facilities and where
2 they were buried;

3 (C) the names of children of European
4 Americans and European Latin Americans who
5 were born in World War II detention facilities
6 and where they were born; and

7 (D) the nations from which European
8 Latin Americans were brought to the United
9 States, the ships that transported them to the
10 United States and their departure and disem-
11 barkation ports, the locations where European
12 Americans and European Latin Americans were
13 exchanged for persons held in European Axis
14 nations, and the ships that transported them to
15 Europe and their departure and disembarkation
16 ports.

17 (2) An assessment of the underlying rationale
18 of the decision of the United States Government to
19 develop the programs and policies described in para-
20 graph (1), the information the United States Gov-
21 ernment received or acquired suggesting these pro-
22 grams and policies were necessary, the perceived
23 benefit of enacting such programs and policies, and
24 the immediate and long-term impact of such pro-

1 grams and policies on European Americans and Eu-
2 ropean Latin Americans and their communities.

3 (3) A brief review of the participation by Euro-
4 pean Americans in the United States Armed Forces,
5 including the participation of European Americans
6 whose families were excluded, interned, repatriated,
7 or exchanged.

8 (4) A recommendation of appropriate remedies,
9 including public education programs and the cre-
10 ation of a comprehensive online database by the Na-
11 tional Archives and Records Administration of docu-
12 ments related to the United States Government's
13 wartime treatment of European Americans and Eu-
14 ropean Latin Americans during World War II.

15 (c) FIELD HEARINGS.—The European American
16 Commission shall hold public hearings in such cities of the
17 United States as it deems appropriate.

18 (d) REPORT.—The European American Commission
19 shall submit a written report of its findings and rec-
20 ommendations to Congress not later than 18 months after
21 the date of the first meeting called pursuant to section
22 101(e).

1 **SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMIS-**
2 **SION.**

3 (a) IN GENERAL.—The European American Commis-
4 sion or, on the authorization of the Commission, any sub-
5 committee or member thereof, may, for the purpose of car-
6 rying out the provisions of this title, hold such hearings
7 and sit and act at such times and places, and request the
8 attendance and testimony of such witnesses and the pro-
9 duction of such books, records, correspondence, memo-
10 randum, papers, and documents as the Commission or
11 such subcommittee or member may deem advisable. The
12 European American Commission may request the Attor-
13 ney General to invoke the aid of an appropriate United
14 States district court to require, by subpoena or otherwise,
15 such attendance, testimony, or production.

16 (b) GOVERNMENT INFORMATION AND COOPERA-
17 TION.—The European American Commission may acquire
18 directly from the head of any department, agency, inde-
19 pendent instrumentality, or other authority of the execu-
20 tive branch of the Government, available information that
21 the European American Commission considers useful in
22 the discharge of its duties. All departments, agencies, and
23 independent instrumentalities, or other authorities of the
24 executive branch of the Government shall cooperate with
25 the European American Commission and furnish all infor-
26 mation requested by the European American Commission

1 to the extent permitted by law, including information col-
 2 lected under the Commission on Wartime and Internment
 3 of Civilians Act (Public Law 96–317; 50 U.S.C. App.
 4 1981 note) and the Wartime Violation of Italian Ameri-
 5 cans Civil Liberties Act (Public Law 106–451; 50 U.S.C.
 6 App. 1981 note). For purposes of section 552a(b)(9) of
 7 title 5, United States Code (commonly known as the “Pri-
 8 vacy Act of 1974”), the European American Commission
 9 shall be deemed to be a committee of jurisdiction.

10 **SEC. 104. ADMINISTRATIVE PROVISIONS.**

11 The European American Commission is authorized
 12 to—

13 (1) appoint and fix the compensation of such
 14 personnel as may be necessary, without regard to
 15 the provisions of title 5, United States Code, gov-
 16 erning appointments in the competitive service, and
 17 without regard to the provisions of chapter 51 and
 18 subchapter III of chapter 53 of such title relating to
 19 classification and General Schedule pay rates, except
 20 that the compensation of any employee of the Com-
 21 mission may not exceed a rate equivalent to the rate
 22 payable under GS–15 of the General Schedule under
 23 section 5332 of such title;

1 (2) obtain the services of experts and consult-
2 ants in accordance with the provisions of section
3 3109 of such title;

4 (3) obtain the detail of any Federal Govern-
5 ment employee, and such detail shall be without re-
6 imbursement or interruption or loss of civil service
7 status or privilege;

8 (4) enter into agreements with the Adminis-
9 trator of General Services for procurement of nec-
10 essary financial and administrative services, for
11 which payment shall be made by reimbursement
12 from funds of the Commission in such amounts as
13 may be agreed upon by the Chairman of the Com-
14 mission and the Administrator;

15 (5) procure supplies, services, and property by
16 contract in accordance with applicable laws and reg-
17 ulations and to the extent or in such amounts as are
18 provided in appropriation Acts; and

19 (6) enter into contracts with Federal or State
20 agencies, private firms, institutions, and agencies for
21 the conduct of research or surveys, the preparation
22 of reports, and other activities necessary to the dis-
23 charge of the duties of the Commission, to the ex-
24 tent or in such amounts as are provided in appro-
25 priation Acts.

1 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated \$600,000 to
3 carry out this title.

4 **SEC. 106. SUNSET.**

5 The European American Commission shall terminate
6 60 days after it submits its report to Congress.

7 **TITLE II—COMMISSION ON WAR-**
8 **TIME TREATMENT OF JEWISH**
9 **REFUGEES**

10 **SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME**
11 **TREATMENT OF JEWISH REFUGEES.**

12 (a) IN GENERAL.—There is established the Commis-
13 sion on Wartime Treatment of Jewish Refugees (referred
14 to in this title as the “Jewish Refugee Commission”).

15 (b) MEMBERSHIP.—The Jewish Refugee Commission
16 shall be composed of 7 members, who shall be appointed
17 not later than 90 days after the date of enactment of this
18 Act as follows:

19 (1) Three members shall be appointed by the
20 President.

21 (2) Two members shall be appointed by the
22 Speaker of the House of Representatives, in con-
23 sultation with the minority leader.

24 (3) Two members shall be appointed by the ma-
25 jority leader of the Senate, in consultation with the
26 minority leader.

1 (c) TERMS.—The term of office for members shall be
 2 for the life of the Jewish Refugee Commission. A vacancy
 3 in the Jewish Refugee Commission shall not affect its pow-
 4 ers, and shall be filled in the same manner in which the
 5 original appointment was made.

6 (d) REPRESENTATION.—The Jewish Refugee Com-
 7 mission shall include two members representing the inter-
 8 ests of Jewish refugees.

9 (e) MEETINGS.—The President shall call the first
 10 meeting of the Jewish Refugee Commission not later than
 11 120 days after the date of enactment of this Act.

12 (f) QUORUM.—Four members of the Jewish Refugee
 13 Commission shall constitute a quorum, but a lesser num-
 14 ber may hold hearings.

15 (g) CHAIRMAN.—The Jewish Refugee Commission
 16 shall elect a Chairman and Vice Chairman from among
 17 its members. The term of office of each shall be for the
 18 life of the Jewish Refugee Commission.

19 (h) COMPENSATION.—

20 (1) IN GENERAL.—Members of the Jewish Ref-
 21 ugee Commission shall serve without pay.

22 (2) REIMBURSEMENT OF EXPENSES.—All mem-
 23 bers of the Jewish Refugee Commission shall be re-
 24 imbursed for reasonable travel and subsistence, and

1 other reasonable and necessary expenses incurred by
2 them in the performance of their duties.

3 **SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.**

4 (a) IN GENERAL.—It shall be the duty of the Jewish
5 Refugee Commission to review the United States Govern-
6 ment’s refusal to allow Jewish and other refugees fleeing
7 persecution or genocide in Europe entry to the United
8 States as provided in subsection (b).

9 (b) SCOPE OF REVIEW.—The Jewish Refugee Com-
10 mission’s review shall cover the period between January
11 1, 1933, through December 31, 1945, and shall include,
12 to the greatest extent practicable, the following:

13 (1) A review of the United States Government’s
14 decision to deny Jewish and other refugees fleeing
15 persecution or genocide entry to the United States,
16 including a review of the underlying rationale of the
17 United States Government’s decision to refuse the
18 Jewish and other refugees entry, the information the
19 United States Government received or acquired sug-
20 gesting such refusal was necessary, the perceived
21 benefit of such refusal, and the impact of such re-
22 fusal on the refugees.

23 (2) A review of Federal refugee law and policy
24 relating to those fleeing persecution or genocide, in-
25 cluding recommendations for making it easier in the

1 future for victims of persecution or genocide to ob-
2 tain refuge in the United States.

3 (c) FIELD HEARINGS.—The Jewish Refugee Com-
4 mission shall hold public hearings in such cities of the
5 United States as it deems appropriate.

6 (d) REPORT.—The Jewish Refugee Commission shall
7 submit a written report of its findings and recommenda-
8 tions to Congress not later than 18 months after the date
9 of the first meeting called pursuant to section 201(e).

10 **SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.**

11 (a) IN GENERAL.—The Jewish Refugee Commission
12 or, on the authorization of the Commission, any sub-
13 committee or member thereof, may, for the purpose of car-
14 rying out the provisions of this title, hold such hearings
15 and sit and act at such times and places, and request the
16 attendance and testimony of such witnesses and the pro-
17 duction of such books, records, correspondence, memo-
18 randum, papers, and documents as the Commission or
19 such subcommittee or member may deem advisable. The
20 Jewish Refugee Commission may request the Attorney
21 General to invoke the aid of an appropriate United States
22 district court to require, by subpoena or otherwise, such
23 attendance, testimony, or production.

24 (b) GOVERNMENT INFORMATION AND COOPERA-
25 TION.—The Jewish Refugee Commission may acquire di-

1 rectly from the head of any department, agency, inde-
 2 pendent instrumentality, or other authority of the execu-
 3 tive branch of the Government, available information that
 4 the Jewish Refugee Commission considers useful in the
 5 discharge of its duties. All departments, agencies, and
 6 independent instrumentalities, or other authorities of the
 7 executive branch of the Government shall cooperate with
 8 the Jewish Refugee Commission and furnish all informa-
 9 tion requested by the Jewish Refugee Commission to the
 10 extent permitted by law. For purposes of section
 11 552a(b)(9) of title 5, United States Code (commonly
 12 known as the “Privacy Act of 1974”), the Jewish Refugee
 13 Commission shall be deemed to be a committee of jurisdic-
 14 tion.

15 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

16 The Jewish Refugee Commission is authorized to—
 17 (1) appoint and fix the compensation of such
 18 personnel as may be necessary, without regard to
 19 the provisions of title 5, United States Code, gov-
 20 erning appointments in the competitive service, and
 21 without regard to the provisions of chapter 51 and
 22 subchapter III of chapter 53 of such title relating to
 23 classification and General Schedule pay rates, except
 24 that the compensation of any employee of the Com-
 25 mission may not exceed a rate equivalent to the rate

1 payable under GS-15 of the General Schedule under
2 section 5332 of such title;

3 (2) obtain the services of experts and consult-
4 ants in accordance with the provisions of section
5 3109 of such title;

6 (3) obtain the detail of any Federal Govern-
7 ment employee, and such detail shall be without re-
8 imbursement or interruption or loss of civil service
9 status or privilege;

10 (4) enter into agreements with the Adminis-
11 trator of General Services for procurement of nec-
12 essary financial and administrative services, for
13 which payment shall be made by reimbursement
14 from funds of the Commission in such amounts as
15 may be agreed upon by the Chairman of the Com-
16 mission and the Administrator;

17 (5) procure supplies, services, and property by
18 contract in accordance with applicable laws and reg-
19 ulations and to the extent or in such amounts as are
20 provided in appropriation Acts; and

21 (6) enter into contracts with Federal or State
22 agencies, private firms, institutions, and agencies for
23 the conduct of research or surveys, the preparation
24 of reports, and other activities necessary to the dis-
25 charge of the duties of the Commission, to the ex-

1 tent or in such amounts as are provided in appro-
2 priation Acts.

3 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated \$600,000 to
5 carry out this title.

6 **SEC. 206. SUNSET.**

7 The Jewish Refugee Commission shall terminate 60
8 days after it submits its report to Congress.

9 **TITLE III—FUNDING SOURCE**

10 **SEC. 301. FUNDING SOURCE.**

11 Of the funds made available for the Department of
12 Justice by the Consolidated Security, Disaster Assistance,
13 and Continuing Appropriations Act, 2009 (Public Law
14 110–329), \$1,200,000 is hereby rescinded.

○